

Dean E. Toothman JR
4340 Wood Ave ~~APT A~~ APT A,
Feasterville-Trevose, PA, 19053

Plaintiff

PrimeCare Medical, INC
DR GESSNER.

Defendant

CIVIL COMPLAINT

JURISDICTION & VENUE

1) This is a civil action Authorized by 42 U.S.C. Section 1983 to Redress the deprivation, of Rights Secured by the Constitution of the United States. The Court has Jurisdiction under 28 U.S.C Section 1331 and 1333(a)(3). Plaintiff seeks declaratory Relief pursuant to 28 U.S.C Section 2201 and 2202. Plaintiff Claims for injunctive Relief are authorized by 28 U.S.C Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.

2) The U.S. District Court, Eastern District of Pennsylvania is an appropriate venue under 28 U.S.C Section 1331(b)(2) because it is where the events giving rise to this claim occurred.

PLAINTIFF

3) Dean E. Toothman JR. Is and was at all times mentioned herein a prisoner in the State of Pennsylvania County of Bucks at the Bucks County Correctional Facility, Inmate ID # 108776

DEFENDANT

4) DR. GESSNER OF PRIME CARE MEDICAL INC. Is The DR of the Dispensary and the Prescribing DR for the "MAT" or Medication assisted therapy program at The Bucks County Correctional Facility.

5) The Defendant is being sued in her official capacity.



FACTS

Between the months of ~~March~~ ^{April} and October 2021 During my Incarceration at Bucks County Correctional Facility These facts occurred. I entered the jail withdrawing from Fentanyl. In ~~March~~ April, April 1st 2021 specifically, I wrote to the Drug and Alcohol Staff and Medical Staff persistently explaining that I have "OUD" and would like "mood" or (medication for opioid use disorder) as part of the "MAT" program (medication Assisted Therapy). I was in and completed the Drug treatment program in the jail (H.O.P.E) so they have record of my "OUD". I was denied over and over for various reasons (seemed to be made up) I was released in October without Subutex for a safety net (harm prevention) and returned to jail by December 23rd 2021. When I was admitted I made sure to tell the Intake Nurse I have "OUD" and was taking Suboxone. I did not have a prescription during Intake I took a urine. The urine results never made it into the jail's system. They continued to Deny me. I completed the grievance process and the last appeal was never returned to me. I went through withdrawal and begged for "MAT" Subutex maintenance. It is now May 2022. STILL Denied. I am afraid to be released without being started on "MAT" for 30 days prior to release.

LEGAL CLAIMS

Under the 8th and 14th Amendments of the Constitution, I have a right to adequate medical care in jail or prison. DR Gressner Showed Deliberate indifference to a serious medical need. Estelle v. Gamble, 429 U.S. 97 103 (1976) By refusing "MAT" "mood" for "OUD" Violating my 8th and 14th Amendment rights.

The Plaintiff has no plain adequate or complete remedy at law to redress the wrongs described herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this court enter judgement granting Plaintiff:

- A declaration that the acts and omissions described herein violated Plaintiff's Rights under the Constitution.
- A preliminary injunction ordering the defendant to start "MAT" "mood" for "OUD".
- Compensatory Damages in the amount of \$50,000.00
- Punitive Damages in the amount of \$50,000.00
- A jury trial on all issues triable by Jury if Agreement/ Settlement can't be met.
- Plaintiff's cost in the suit.
- Any Additional Relief this court deems just, proper, and equitable.

5-25-22
DATE

Dean E. Tothman Jr.

Fix: 

VERIFICATION

I have Read the foregoing Complain^t and hereby Verify that the matters alleged therein are true, except as to matters alleged on Information and belief, and as to those I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at:

Bucks County Correctional Facility.
Bucks County PA.


(Signature)

Dean E. Toothman Jr.
(Print)

5-25-22
(DATE)

I have another ~~civil~~ case open I don't know if this can be combined under the same number 22-CV-01839 - Judge Goldberg -

Thank you



US DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
101 Market St. Room 2609
Philadelphia, PA, 19106-1797

108776
Dean E. Tothman Jr.
1730 S. Eastern Rd.
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